

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Nash Brower,

Plaintiff,

v.

State of Alaska; Bruce Lord; Schu Weidshold;
Child Support; Dany Crosby,

Defendants.

Case No. 2:23-cv-00330-APG-DJA

**Order
and
Report and Recommendation**

Before the Court is Plaintiff's "motion to request a recalculation." (ECF No. 8). That motion appears to ask the Court to recalculate Plaintiff's child support payments and attaches documents related to Plaintiff's child support payments. (*Id.* at 3-11). However, Plaintiff has not provided any authority that he is entitled to the relief he requests or that the Court can provide it. The Court thus denies his motion.

Additionally, the Court recommends dismissal of Plaintiff's case because he has not timely filed an amended complaint as required in the Court's December 1, 2023, order. (ECF No. 7). That order informed Plaintiff that he had until January 2, 2024, to file an amended complaint. (*Id.*). It also informed Plaintiff that "[f]ailure to comply with this order will result in the recommended dismissal of this case." (*Id.*). The Court does not consider Plaintiff's "motion to request a recalculation" to be an attempted amended complaint. And Plaintiff has not filed anything further into this lawsuit.

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ORDER

IT IS THEREFORE ORDERED that Plaintiff's "motion to request a recalculation" (ECF No. 8) is **denied**.

RECOMMENDATION

IT IS THEREFORE RECOMMENDED that this case **be dismissed** without prejudice. The Clerk of Court is kindly directed to send this recommendation to Plaintiff.

NOTICE

Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: March 1, 2024



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE